

4522
1 BILL NO. G-79-07- 31

2 GENERAL ORDINANCE NO. G- 22-79

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
5 a certain alley west of Dubois Street.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. Petition for the vacation of a certain alley having
9 been filed with the Fort Wayne City Plan Commission in accordance with
10 Section 44, Chapter 174, of the Acts of the General Assembly of the State
11 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
12 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
13 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
14 the Common Council of the City of Fort Wayne on November 26, 1963, is
15 amended by deleting the following alley, to wit:

16 An existing alley 18 feet in width and 133 feet in
17 length, located west of DuBois Street, south of
18 Pennsylvania Street and east of the alleyway between
19 Wabash Avenue and DuBois Street in the City of Fort
20 Wayne, Indiana, as opened by Dedication dated April 5,
21 1932 recorded July 23, 1934 in Miscellaneous Record
22 90, page 385 which said alley is more particularly
23 described as follows, to-wit:

24 Commencing at a point 18 feet south of the northeast
25 corner of Lot No. 42 in Whites Second Addition, thence
26 north 18 feet to the northeast corner thereof, thence
27 west along the north lot line of said Lot No. 42, a
28 distance of 133 feet to the northwest corner thereof,
29 thence south a distance of 18 feet, thence east along
30 a line parallel to the north lot line of said Lot No.
31 42 to the place of beginning, being on the north 18
32 feet of what has formerly been Lot No. 42 in Whites
Second Addition.

SECTION 2. After passage of this Ordinance, approval by the
Mayor and legal publication, a duly certified copy of this Ordinance, of
the recommendation of the Fort Wayne City Plan Commission, and of the
action of the Mayor, shall be transmitted by the City Clerk to the Board
of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication
thereof.

APPROVED AS TO
FORM & LEGALITY


William N. Salin, City Attorney


Councilman

Read the first time in full and on motion by Nuckols, seconded by

Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 7-24-79

Charles M. Whitman
CITY CLERK

Read the third time in full and on motion by Nuckols,

seconded by Hinga, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-VIT:
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
HINGA	<u>X</u>				
HUNTER	<u>X</u>				
MOSES	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 10-9-79.

Charles M. Whitman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 2-22-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles M. Whitman
CITY CLERK

Winfield C. Mason Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A M., E.S.T.

Charles M. Whitman
CITY CLERK

Approved and signed by me this 17 day of October, 1979 at the hour of 10 o'clock PM, E.S.T.

Kahar Elumshong
MAYOR

Bill No. G-79-07-31

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation
of a certain alley west of Dubois Street

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

10-9-79

CONCURRED IN
DATE 10-9-79 CHARLES W. WESTERMAN, CITY CLERK

68-64-12 9/19/79

RESOLUTION NO. 68-64-12

WHEREAS, WAYNE METAL PROTECTION COMPANY, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An existing alley 18 feet in width and 133 feet in length, located west of Dubois Street, south of Pennsylvania Street and east of the alleyway between Wabash Avenue and DuBois Street in the City of Fort Wayne, Indiana, as opened by Dedication dated April 5, 1932 recorded July 23, 1934 in Miscellaneous Record 90, page 385 which said alley is more particularly described as follows, to-wit:

Commencing at a point 18 feet south of the northeast corner of Lot No. 42 in Whites Second Addition, thence north 18 feet to the northeast corner thereof, thence west along lot line of said Lot No. 42, a distance of 133 feet to the northwest corner thereof, thence south a distance of 18 feet, thence east along a line parallel to the north lot line of said Lot No. 42 to the place of beginning, being on the north 18 feet of what has formerly been Lot No. 42 in Whites Second Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conform to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Henry P. Kehrenberg, Chairman, of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the

Fort Wayne Board of Public Works at their meeting held 19th day
of September, 1919, and as same appears of record
in the official records of said Board of Public Works.

DATED THIS 19 DAY OF Sept. 1919

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

R E S O L U T I O N

WHEREAS, WAYNE METAL PROTECTION COMPANY, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

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Commencing at a point 18 feet south of the northeast corner of Lot No. 42 in Whites Second Addition, thence north 18 feet to the northeast corner thereof, thence west along lot line of said Lot No. 42, a distance of 133 feet to the northwest corner thereof, thence south a distance of 18 feet, thence east along a line parallel to the north lot line of said Lot No. 42 to the place of beginning, being on the north 18 feet of what has formerly been Lot No. 42 in Whites Second Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 20, 1979 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Thomas G. Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 27, 1979, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 17th DAY OF September 1979

FORT WAYNE CITY PLAN COMMISSION

Thomas G. Adams

Thomas G. Adams
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

17 September 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held August 27, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-07-31
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS with condition.

CONDITION: All necessary easements are dedicated.

NOTE: Easement dedications have been received by Plan Commission staff.

If there are any questions with regard to this ordinance, please feel free to call on us.

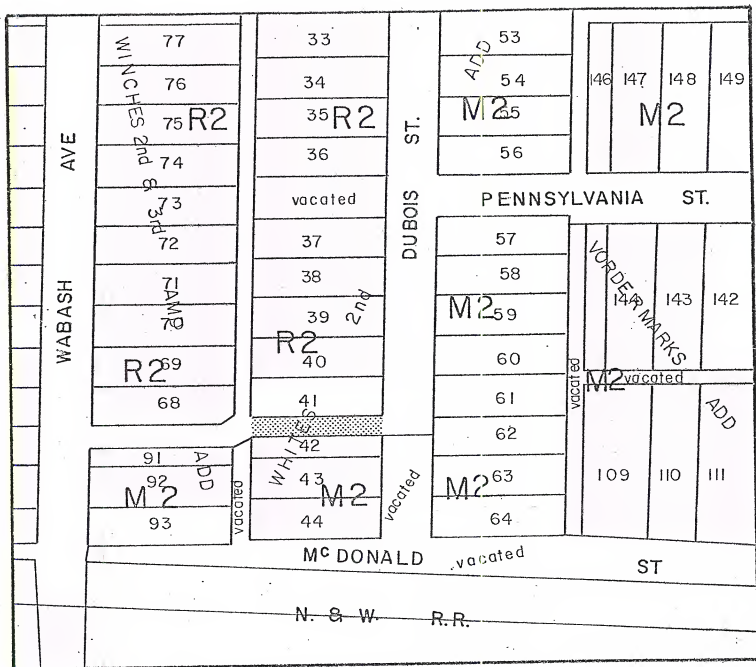
Respectfully submitted,

CITY PLAN COMMISSION

Gary F. Baeten (signature)
Gary F. Baeten
Senior Planner

GFB:pb

Attachments



ALLEY TO BE VACATED

MAP NO. P2

6-79-07-31



RECEIPT

Date

5-1

19

79

No.

10765

Received From

F.S.F. & L.

Address

Indiana Bank

Fifty

00/00

Dollars \$

50.00

For

Alley vacation for
Wayne Metal Protection Co.

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

CASH

AMT. PAID

CHECK

BALANCE
DUEMONEY
ORDER

By

Pay B

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

THE CITY OF FORT WAYNE PLAN COMMISSION

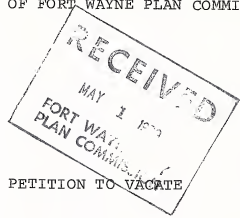
WAYNE METAL PROTECTION
COMPANY, INC.,

Petitioner,

VS.

THE CITY OF FORT WAYNE,
INDIANA,

Respondent.



PETITION TO VACATE

Wayne Metal Protection Company, Inc. hereby petitions for the vacation of an alley and in support thereof alleges and says:

1. Petitioner owns fee simple title to or has option to purchase the following described real estate:

Lots No. 91 excepting therefrom the north one-half (1/2) of said Lot No. 91, Lot No. 92, and 93 in Winches First, Second, and Third Addition to the City of Fort Wayne, Indiana according to the recorded plat thereof; also the vacated alley lying south of Lot No. 93, and the vacated alley to east thereof,

Lot No. 69 in Winches First, Second, and Third Addition to the City of Fort Wayne, according to the recorded plat thereof, and

Lots No. 38, 39, 40, 41, and 42 excepting the north 18 feet of Lot 42, Lot 43 and Lot 44, all in Whites Second Addition to the City of Fort Wayne, also the east one-half (1/2) of the vacated alley lying on the west of said lots; also all of that part of McDonald Street and DuBois Street vacated both south and east of said Lots No. 42, 43, and 44.

2. Completely surrounded by the above described real estate is an alley which may be more particularly described as follows:

An existing alley 18 feet in width and 133 feet in length, located west of DuBois Street, south of Pennsylvania Street and east of the alleyway between Wabash Avenue and DuBois Street in the City of Fort Wayne, Indiana, as opened by Dedication dated April 5, 1932 recorded July 23, 1934 in Miscellaneous Record 90, page 385 which said alley is more particularly described as follows, to-wit:

Commencing at a point 18 feet south of the northeast corner of Lot No. 42 in Whites Second Addition, thence north 18 feet to the northeast corner thereof, thence west along the north lot line of said Lot No. 42, a

distance of 133 feet to the northwest corner thereof, thence south a distance of 18 feet, thence east along a line parallel to the north lot line of said Lot No. 42 to the place of beginning, being on the north 18 feet of what has formerly been Lot No. 42 in Whites Second Addition, which said easement is reflected on the plat of survey which is attached hereto, made a part of Exhibit I.

3. The existing easement which is proposed to be vacated serves no public purpose, does not include any public utilities, is not utilized by any persons other than property owned by this petitioner.

4. This petitioner owns or has options to purchase all of the lots south of the alley proposed to be vacated and owns or has options to purchase all of Lots 38 through 41 north of the alley proposed to be vacated. The lots north of petitioner's property are owned by the City of Fort Wayne and used as a substation. The vacation of the alley as proposed will not, therefore, effect ingress to or egress from any properties other than properties which are owned or optioned to the petitioner, all of which properties the petitioner intends to develop into an expansion of his current factory in the event this vacation petition is granted.

5. The petitioner currently operates a factory to the south of and adjacent to the alley proposed to be vacated. If this vacation petition is granted, the petitioner shall extend said factory across the vacated alley and to occupy Lots No. 38, 39, 40 and 41 with a building to be contiguous to the factory building currently operated on the south of the petitioner, all as is shown on the plot plan attached hereto and marked Exhibit "A". The vacation of the alley will permit the extension of the petitioner's business by the construction of this factory across the alley and on the lot to the north, increased employment in the area, reduce the hazardous and dangerous driving conditions that presently exist by reason of the present condition of the alley, improve the neighborhood, and serve the public interest.

6. That the alley presently is badly out of repair and a hazard to people, pedestrians and traffic in the area.

7. That your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WAYNE METAL PROTECTION COMPANY, INC.

BY

Daniel P. Clemens

Daniel P. Clemens, President

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN
(F. L. Dennis Logan)
Mezzanine Floor
Indiana Bank Building
Fort Wayne, Indiana 46802
Telephone: (219) 422-9454

4606

DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Ordinance Amendment ~~7~~ 3-79-08-44

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning

SYNOPSIS OF ORDINANCE Southeast corner of Gable and Old Decatur Roads.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property will be zoned B3B - General Business.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

4522

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

6-79-07-31

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE E/W alley lying east of the 1st N/S alley of
Wabash Avenue and west of Dubois Street, between Lots 41 & 42 in
White's Second Addition to the City of Fort Wayne, IN.

EFFECT OF PASSAGE Property is now public right-of-way. Property will
be closed for public right-of-way and revert to the abutting
property owners.

EFFECT OF NON-PASSAGE Property will remain open as public
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____